

Amendment 173
Contract No. 229944

**To the Contract for the Design, Implementation, Operation and Maintenance of
the Regional Fare Coordination System**

This Amendment 173 to the Contract for the Design, Implementation, Operation and Maintenance of the Regional Fare Coordination System is entered into this 2nd day of October, 2012 by and between ERG Transit Systems (USA) Inc, a California corporation and wholly owned subsidiary of Vix-ERG Limited, an Australian corporation, (hereinafter referred to as the "Contractor") and each of the following seven public transportation agencies (hereinafter referred to individually as an "Agency" or collectively as the "Agencies"):

1. Central Puget Sound Regional Transit Authority ("Sound Transit")
2. King County ("King County")
3. Kitsap County Public Transportation Benefit Area ("Kitsap Transit")
4. Pierce County Public Transportation Benefit Area ("Pierce Transit")
5. Snohomish County Public Transportation Benefit Area ("Community Transit")
6. City of Everett ("Everett")
7. State of Washington, acting through the Washington State Department of Transportation, Washington State Ferries Division ("WSF")

Recitals

- A. Effective April 29, 2003, each of the Agencies and the Contractor entered into Contract #229944 ("Contract") to implement a Regional Fare Coordination System ("RFC System") to establish a common fare system utilizing smart card technology. The Contractor is responsible for the development, implementation, operation and maintenance of the RFC System as specified in the Contract.
- B. The Agencies and the Contractor desire to amend Section VI of Exhibit 9, Price Schedule Special Programs, to compensate the Contractor to perform the work necessary to re-assign and commission one (1) King County Metro bus to Pierce Transit (PT) in order for the bus to operate PT service, as more fully described in Change Request (CR) 067154 *OBE-1 ST_KCM Buses Move to PT v2.0*.

C. The Parties do not agree on the amount of compensation due for the work of said CR -067154. The Agencies are agreeable to paying the amount of compensation included in the Amendment which, for the purpose of administrative efficiency, includes the "per device" cost to commission an On Board Fare Transaction Processor found in the Contract Exhibit 9 Section IV Equipment Installation, Section A, On Board FTP. The Contractor reserves its rights to claim the added compensation requested by the Contractor in CR-067154 that is not covered by this Amendment.

Agreement

Section 1.0 Description of Work

- 1.1 The Contractor will perform all work necessary to:
reconfigure the following buses for PT service and as more fully described in CR-067154:
 - i. ST/KCM bus 9034 will become PT bus 8034

Section 2.0 Compensation Changes

Section VI (Implementation) of Exhibit 9, Price Schedule, is hereby amended to read as follows:

VI. IMPLEMENTATION

SPECIAL PROGRAMS

LUMP SUM COST

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To perform the work for Pierce Transit necessary to:	
• Commission 1 OBFTP @ \$72 each per Contract Exhibit 9 Section IV-A	\$72
• Update software to transfer the bus from KCM to PT operated service (2 hours x \$94.30, plus 10%)	<u>\$208</u>
TOTAL	\$280

Section 3.0 Other Terms and Conditions

All other provisions of the Contract not referenced in this Amendment One Hundred and Seventy-three shall remain in effect.

IN WITNESS WHEREOF, authorized representative of the Agencies and the Contractor have signed their names in the spaces provided below.

ERG Transit Systems (USA) Inc.

By: D. Th.
Its: GENERAL MANAGER
Date: 10/2/12

The Agencies

By: Connie Carlson
Their: Operations manager
On behalf of the Agencies
Date: October 2, 2012